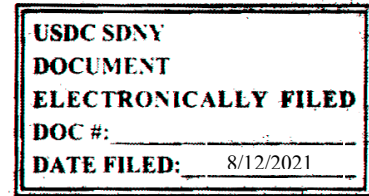


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

03-MD-1570 (GBD)(SN)

ORDER

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SARAH NETBURN, United States Magistrate Judge:

On July 15, 2021, Yahoo! News published an article entitled *FBI Tried to Flip Saudi Official in 9/11 Investigation*, written by reporter Michael Isikoff. The article states that Yahoo! News “obtained exclusively” a copy of the deposition of Musaed Al Jarrah, subject to “some redactions for law-enforcement sensitive material.” The Al Jarrah deposition was conducted by the Plaintiffs’ Executive Committees (“PECs”) on June 17 and 18, 2021, and was designated as confidential pursuant to the parties’ Protective Order; certain material addressed during the deposition was also protected by the FBI Protective Order. There has plainly been a breach of, at a minimum, the Protective Order.

The Kingdom of Saudi Arabia moves the Court to investigate this breach or to authorize the Kingdom to investigate the breach. ECF No. 6981. As part of its motion, the Kingdom filed 27 declarations from everyone at its counsel, Kellogg Hansen, who received or accessed the depositions of Al Jarrah, or the depositions of Al Bayoumi and Al Thumairy, two other highly sensitive deponents. The PECs oppose the Kingdom’s motion and recommended that the parties “meet and confer to address the apparent wrongful disclosure.” ECF No. 6988 at 3. At the same time, two of the leading PEC law firms—Cozen O’Connor and Motely Rice—voluntarily filed declarations. See generally, ECF Nos. 6991 & 6992. Those 12 PECs declarations broadly affirm under penalty of perjury that no one from those firms leaked the Al Jarrah deposition transcripts

(most also affirm that they have not shared the Al Bayoumi or Al Thumairy transcripts) or communicated with Mr. Isikoff.

Missing from this record is any statement from lead law firm Kreindler & Kreindler. Circumstantial evidence suggests that this firm may be responsible for the leak. When seeking a pre-publication comment from the Kingdom, the journalist asked for “any comments you can make in response to what Jim Kreindler had to say about where things stand – and how the depositions went.” ECF No. 6981, Ex. D3, attach. A. Mr. Kreindler also appeared on Mr. Isikoff’s podcast *Conspiracyland* to discuss the status of the case in general and the depositions in particular. ECF No. 6990 at 2, While the Court has repeatedly admonished Mr. Kreindler from litigating his case in the press, see, e.g., ECF No. 3619, at 9:21-10:5, standing alone there is nothing wrong with such communications. But the evidence certainly suggests an opportunity for Mr. Kreindler to have breached the Protective Order.

Considering the status of this issue, the Court directs the law firm of Kreindler & Kreindler to follow the lead of Cozen O’Conner and Motely Rice and to file declarations, under penalty of perjury, as to whether anyone with the firm or anyone acting on its direction shared the Al Jarrah deposition transcript with anyone unauthorized by the Protective Order and the FBI Protective Order. At a minimum, the Court expects declarations to be filed by James P. Kreindler, Steven R. Pounian, Andrew J. Maloney, and Megan Benett. These declarations shall be filed on August 16, 2021.

CONCLUSION

Saudi Arabia's motion is GRANTED. The Clerk of Court is respectfully directed to terminate the order at ECF No. 6981. Separately, the parties are directed to file their applications on the public record with whatever limited redactions, if any, are required by the Protective Order and FBI Protective Order.

SO ORDERED.

DATED: New York, New York
August 12, 2021



SARAH NETBURN
United States Magistrate Judge